

Michael S. Weinstein
Moshie Solomon
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Counsel for Jonathan L. Flaxer, Chapter 11 Trustee

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:	Chapter 11
	:	
JOSEPH KLAYNBERG,	:	Case No. 22-10165 (MG)
	:	
Debtor.	:	
	:	
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**SEVENTH MONTHLY STATEMENT OF GOLENBOCK EISEMAN ASSOR
BELL & PESKOE LLP, AS COUNSEL FOR JONATHAN L. FLAXER,
CHAPTER 11 TRUSTEE, OF FEES AND EXPENSES FOR
PROFESSIONAL SERVICES RENDERED FOR THE PERIOD
JUNE 1, 2023 THROUGH JUNE 30, 2023**

Name of Applicant:	Golenbock Eiseman Assor Bell & Peskoe LLP
Role in Case:	Counsel to Chapter 11 Trustee
Date of Retention:	Order entered November 7, 2022 <i>nunc pro tunc</i> to September 20, 2022
Period for which compensation and reimbursement is sought:	June 1, 2023 to June 30, 2023
Amount of Compensation sought as actual, reasonable and necessary:	\$41,055.50 (80% of which is \$32,844.40)
Amount of Expense Reimbursement sought as actual, reasonable and necessary:	\$19.55
Total (80% of fees and 100% of costs):	\$41,075.05

Golenbock Eiseman Assor Bell & Peskoe LLP (“**GEABP**”), as counsel for Jonathan L. Flaxer (the “**Trustee**”), the chapter 11 trustee for Joseph Klaynberg (the “**Debtor**”), hereby submits this seventh monthly statement (the “**Monthly Statement**”) for the period of June 1, 2023 through June 30, 2023 (the “**Statement Period**”) for payment of professional services rendered during the Statement Period pursuant to the Court’s Order Pursuant to Sections 105(a) and 331 of the Bankruptcy Code Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals [Dkt. No. 45], as modified by the Stipulation and Order Modifying Monthly Compensation Order [Dkt No. 268] (together, the “**Fee Procedures Order**”). GEABP requests (i) interim allowance and payment of compensation in the amount of \$32,844.40 (80% of \$41,055.50) for fees and (ii) reimbursement of expenses in the amount of \$19.55 incurred on account of reasonable and necessary professional services rendered by GEABP as counsel to the Trustee.

FEES FOR SERVICES RENDERED DURING THE STATEMENT PERIOD

1. Set forth below is a list of the positions of the GEABP professionals and paralegals

who provided services to the Trustee during the Statement Period, their respective billing rates, and the aggregate hours spent by each person providing services to the Trustee during the Statement Period.

	Year Admitted	Hourly Rate	Total Hours	Total Amount	Practice Specialty
<u>Partners</u>					
Michael S. Devorkin	1980	950.00	4.40	\$ 4,180.00	Litigation
Steven R. Hochberg	1987	775.00	1.00	\$ 775.00	Real Estate
Michael S. Weinstein	2009	555.00	18.40	\$10,212.00	Bankruptcy
<u>Associates/Of Counsel</u>					
Ina Dogani	2021	460.00	39.10	\$17,986.00	Litigation
Moshie Solomon	2002	555.00	10.90	\$ 6,049.50	Bankruptcy
<u>Paralegals/Paraprofessionals</u>					
Heather Maxwell	N/A	245.00	6.90	\$ 1,690.50	Litigation
Rose Ngoma	N/A	325.00	0.50	\$ 162.50	Real Estate
TOTAL:			81.20	\$ 41,055.50	
BLENDED RATE FOR ALL PROFESSIONALS:			\$ 505.60		
BLENDED ATTORNEY RATE:			\$ 531.20		

2. The fees and reimbursement of expenses sought by GEABP in the Monthly Statement are billed at rates and in accordance with practices customarily employed by GEABP and generally accepted by GEABP's other clients. A complete itemization of the tasks performed by the above-referenced persons during the Statement Period, as well as details regarding the expenses sought to be reimbursed, is annexed hereto as **Exhibit A**.

NOTICE AND OBJECTION PROCEDURES

3. GEABP has provided notice of this statement via email upon the following parties:

(i) the Chapter 11 Trustee, Jonathan L. Flaxer, 711 Third Avenue, 17th Floor, New York, New York 10017; (ii) the Debtor, Joseph Klaynberg, 114 Mulberry Street, Apt. 703, New York, New York 10017;

York 10003; (iii) counsel to the Debtor, Cullen & Dykman, LLP, 100 Quentin Roosevelt Boulevard, Garden City, New York 11530, Attn: Matthew G. Roseman, Esq. and Bonnie L. Pollack, Esq.; (iv) counsel to Series 2020A of Nahla Capital LLC, Hunton Andrews Kurth LLP, 200 Park Avenue, New York, New York 10166, Attn: Robert A. Rich, Esq.; and (v) the Office of the United States Trustee, 201 Varick Street, Room 1006, New York, New York 10014, Attn: Tara Tiantian, Esq. (collectively, the “**Notice Parties**”).

4. Pursuant to the Fee Procedures Order, objections to this Monthly Statement, if any, must be served no later than **August 24, 2023** (the “**Objection Deadline**”) upon the following parties: (i) GEABP, and (ii) the Notice Parties.

5. If no objections to this Monthly Statement are received by the Objection Deadline, the Chapter 11 Trustee, on behalf of the estate of the Debtor, will pay GEABP 80% of the fees and 100% of the expenses identified in this Monthly Statement.

6. To the extent an objection to the Monthly Statement is received on or before the Objection Deadline, the Chapter 11 Trustee will withhold payment of that portion of the Monthly Statement to which the objection is directed and will promptly pay the remainder of fees and expenses in the percentages set forth above. To the extent such objection is not resolved, it shall be preserved and scheduled for consideration at the next fee application hearing.

Dated: New York, New York
July 20, 2023

GOLENBOCK EISEMAN ASSOR
BELL & PESKOE LLP
711 Third Avenue, 17th Floor
New York, New York 10017
Telephone: (212) 907-7300
Facsimile: (212) 754-0330

By: /s/ Michael S. Weinstein
Michael S. Weinstein
Moshie Solomon

Counsel for Jonathan L. Flaxer, Chapter 11 Trustee

EXHIBIT A

Represent Trustee of Joseph Klaynberg

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07/20/2023
Account No: 4423-002M
Statement No: 1

Asset Sales

Draft Statement

06/07/2023	MSW	Review documents related to guarantor release and emails with trustee regarding same (.8).	0.80	444.00	18
		Michael S. Weinstein	0.80	444.00	
06/14/2023	SRH	Reviewed and revised CRDA and Key Bank loan modification documents releasing Joseph Klaynberg as a guarantor and indemnitor	1.00	775.00	29
		Steven R Hochberg	1.00	775.00	
		For Current Services Rendered	1.80	1,219.00	

Recapitulation

<u>Timekeeper</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
Michael S. Weinstein	0.80	\$555.00	\$444.00
Steven R Hochberg	1.00	775.00	775.00

Total Current Work 1,219.00

Balance Due \$1,219.00

Billing History

<u>Fees</u>	<u>Expenses</u>	<u>Finance Charge</u>	<u>Payments</u>
1,219.00	0.00	0.00	0.00

Please refer to account number when making payment.

Employment and Fee Applications

Draft Statement

06/01/2023	M S	Emails to R. Giambalvo and J. Spielberg re: fee statements (0.3); Review file re: same (0.4)	0.70	388.50	100
06/05/2023	M S	Emails to/from R. Iommazzo re: Traxi fee statement (0.2); Review UST fee guidelines re: same (0.4); Email to/from R. Giambalvo re: fee statement (0.2)	0.80	444.00	101
06/06/2023	M S	Review Traxi time records re: May 2023 fee statement (0.3); Review GS&C time records re: same (0.3); Email to S. Lopez re: GEABP time records re: same (0.2)	0.80	444.00	102
06/07/2023	M S	Emails to/from H. Stalzer re: GS&C time records for May 2023 fee statement (0.2); Review same (0.2); Emails to/from S. Lopez re: GEABP May 2023 time records (0.2); Review and revise same (0.8)	1.40	777.00	103
06/08/2023	M S	Draft second interim GEABP fee application (1.2); Draft GS&C first interim fee application (0.8); Emails to/from M. Weinstein re: same (0.3); Review revised GEABP time records re: same (0.3)	2.60	1,443.00	104
06/15/2023	M S	Draft GEABP May 2023 fee statement (1.1); Draft Traxi May 2023 fee statement (1.3); Emails to/from A. Pacchia re: same (0.2); Email to J. Flaxer and M. Weinstein re: same (0.1)	2.70	1,498.50	105
06/16/2023	M S	Finalize GEABP fee statement (0.3); Finalize Traxi fee statements (0.4); Emails to/from M. Weinstein re: final drafts of fee statements (0.2); Email to UST and all parties re: final filed fee statements (0.2)	1.10	610.50	107
		Moshie Solomon	10.10	5,605.50	
06/16/2023	MSW	Review and comment on monthly fee statements.	0.10	55.50	97
06/28/2023	MSW	Review 503(b) application by Nahla and email with trustee regarding same.	1.00	555.00	98
		Michael S. Weinstein	1.10	610.50	
06/28/2023	HM	Update files with Nahla fee application and calendar hearing and deadlines	0.20	49.00	108
		Heather Maxwell	0.20	49.00	
		For Current Services Rendered	11.40	6,265.00	

Recapitulation

<u>Timekeeper</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
Moshie Solomon	10.10	\$555.00	\$5,605.50
Michael S. Weinstein	1.10	555.00	610.50

Represent Trustee of Joseph Klaynberg

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07/20/2023

Account No: 4423-006M

Statement No: 1

Employment and Fee Applications

<u>Timekeeper</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
Heather Maxwell	0.20	245.00	49.00

Total Current Work	6,265.00
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Balance Due	<u>\$6,265.00</u>
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Billing History			
<u>Fees</u>	<u>Expenses</u>	<u>Finance Charge</u>	<u>Payments</u>
6,265.00	0.00	0.00	0.00

Please refer to account number when making payment.

Litigation

Draft Statement

06/05/2023	MSD	emails with team re strategy	0.20	190.00	44
06/08/2023	MSD	call with Nahla team and with GEABP team re facts and strategy	1.20	1,140.00	45
	MSD	call with geabp and accountant team re fact investigation	0.50	475.00	46
06/21/2023	MSD	review disc disputes (.5) and meet with trustee and ID re chabad complaint issues (.5)	1.00	950.00	47
06/29/2023	MSD	call with trustee, id, accountant, mw re disc and claims, and prepare therefor (.5)	1.50	1,425.00	48
		Michael S. Devorkin	4.40	4,180.00	
		For Current Services Rendered	4.40	4,180.00	

Recapitulation

<u>Timekeeper</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
Michael S. Devorkin	4.40	\$950.00	\$4,180.00

Total Current Work 4,180.00

Balance Due \$4,180.00

Billing History

<u>Fees</u>	<u>Expenses</u>	<u>Finance Charge</u>	<u>Payments</u>
4,180.00	0.00	0.00	0.00

Please refer to account number when making payment.

Plan and Disclosure Statement

Draft Statement

06/01/2023	MSW	Prepare for (1.0) and attend (1.0) hearing on motion to approve disclosure statement; multiple follow up emails with interested parties and chambers regarding same (.3); revise and edit disclosure statement and related docs for solicitation copy (1.5).	3.80	2,109.00	56
06/06/2023	MSW	Revise and edit solicitation documents (1.5); multiple calls/emails to oversee preparation for solicitation (1.0)	2.50	1,387.50	57
06/07/2023	MSW	Preparation for solicitation.	0.20	111.00	58
06/16/2023	MSW	Emails with H. Maxwell re plan solicitation, affidavit of service. Michael S. Weinstein	0.10 6.60	55.50 3,663.00	68
06/08/2023	HM	Prepare for and service of Plan and Disclosure Statement, order, notice, ballots via First Class Mail	4.20	1,029.00	64
06/09/2023	HM	Emails regarding address for sending of ballot and related package	0.10	24.50	63
06/14/2023	HM	Begin drafting Aff of Service of Disclosure Statement and solicitation packages	0.20	49.00	65
06/15/2023	HM	Continue drafting aff of service of Disclosure Statement and solicitation packages	0.80	196.00	66
	HM	Update calendar with Confirmation deadlines and calculate deadline to file avoidance actions	0.30	73.50	67
06/16/2023	HM	Electronic filing of Aff of Service of Disclosure Statement and Solicitation package and Notice of Confirmation hearing, update files with same	0.40	98.00	69
06/27/2023	HM	Research new address for Tsyngauz and Associates, email regarding same, prepare Fed Ex of solicitation package to new address Heather Maxwell	0.70 6.70	171.50 1,641.50	70
		For Current Services Rendered	13.30	5,304.50	

Recapitulation

<u>Timekeeper</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
Michael S. Weinstein	6.60	\$555.00	\$3,663.00
Heather Maxwell	6.70	245.00	1,641.50

06/27/2023 Federal Express - Invoice No. 818081889 - Shipment

Represent Trustee of Joseph Klaynberg

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07/20/2023

Account No: 4423-010M

Statement No: 1

Plan and Disclosure Statement

from Heather Maxwell to Ryan Banich, Esq. - Tsyngauz & Associates, P.C.	19.55	2
Total Expenses	19.55	
Total Current Work	5,324.05	
Balance Due	<u>\$5,324.05</u>	

Billing History			
<u>Fees</u>	<u>Expenses</u>	<u>Finance Charge</u>	<u>Payments</u>
5,304.50	19.55	0.00	0.00

Please refer to account number when making payment.

Investigations

Draft Statement

06/01/2023	MSW	Discuss with trustee regarding status, next steps (.5).	0.50	277.50	164
06/08/2023	MSW	Review forensic information provided by Traxi (1.3); call with Traxi and internal team re same (1.2).	2.50	1,387.50	194
	MSW	Discussion with trustee regarding prep for Nahla call (.3); call with Nahla and their counsel (and internal team) re investigation to date and next steps (1.2); follow up discussion with trustee re same (.3).	1.80	999.00	195
06/14/2023	MSW	Call with trustee regarding potential avoidance action (.3); internal email re same and potential impact on other affirmative claims (.7).	1.00	555.00	197
06/21/2023	MSW	Multiple emails re open items re investigation.	0.50	277.50	198
06/29/2023	MSW	Call with J. Flaxer re real estate/investigation (.3); draft memo to file regarding real estate overlap with investigation (1.5); call with Traxi, trustee, and internal team regarding investigation, next steps (1.3).	3.10	1,720.50	199
06/30/2023	MSW	Revise and edit memo re real estate overlap with investigation and email internally for review and comment.	0.30	166.50	200
	MSW	Call with A. Rosen regarding D. Klaynberg issues (.5); email with Trustee re same (.5).	1.00	555.00	201
		Michael S. Weinstein	10.70	5,938.50	
06/05/2023	IDI	Review and analyze new Traxi spreadsheet of QuickBooks data	3.20	1,472.00	206
	IDI	Analyze and synthesize QuickBooks data and identify list of questionable transactions	3.40	1,564.00	207
06/06/2023	IDI	Analyze produced documents re. WWCC, WWCDC and AM Club entities	2.10	966.00	208
06/07/2023	IDI	Review and analyze updated Traxi deliverable of questionable transactions and related production docs pertaining to same	2.70	1,242.00	209
	IDI	Review subpoena production documents in iPro	4.00	1,840.00	210
06/08/2023	IDI	Meeting with Traxi to discuss latest deliverable of QuickBooks transactions	1.20	552.00	211

Investigations

	IDI	Review Traxi deliverable to identify questions and prepare for meeting	1.80	828.00	212
	IDI	Prepare outline of findings and areas of focus to distribute in advance of Nahla meeting	2.50	1,150.00	213
	IDI	Meeting with Nahla to discuss case	1.20	552.00	214
	IDI	Review and analyze Acris documents re. Chabad	0.50	230.00	215
06/09/2023	IDI	Review documents and transactions related to WWIGII and WWML96 for transfers from estate entities	1.70	782.00	216
	IDI	Review documents in iPro re. transfers of interest in CT developments and revisions to book entries	3.20	1,472.00	217
06/12/2023	IDI	Review correspondence from J. Flaxner and revisions and questions to summary outline	0.40	184.00	218
	IDI	Draft email memo response to address J. Flaxer questions and ongoing review of QuickBooks data	0.80	368.00	219
06/20/2023	IDI	Review and analyze documents in June 13 document production by Mercer Advisors	4.80	2,208.00	220
	IDI	Prepare deficiency letter to Mercer Advisors re. produced documents and seeking supplementation	0.70	322.00	221
	IDI	Look at produced documents re. ownership and income from Lighthouse Real Estate	0.30	138.00	222
06/21/2023	IDI	Meeting with J. Flaxer and M. Devorkin to discuss Chabad complaint	0.50	230.00	223
	IDI	Prepare email of analysis, revision requests, and questions for discussion to M. Tyler to produce necessary work product (.7) prepare for discussion with Tyler (.4)	1.10	506.00	224
	IDI	Email to counsel for D. Klaynberg, R. Klaynberg and E. Klaynberg regarding deficient productions and requesting written response.	0.30	138.00	225
06/22/2023	IDI	Email to J. Flaxer and M. Devorkin re. fraudulent transfer claim vs. Chabad	0.20	92.00	226
	IDI	Legal research on pleading fraudulent transfer claims against non-profit org.	1.30	598.00	227
	IDI	Research and review NY state business records data to identify undisclosed entities connected to Klaynbergs	1.20	552.00	228
		Ina Dogani	39.10	17,986.00	
06/08/2023	RNA	Performed real property document research.	0.50	162.50	196
		Rose Ngoma	0.50	162.50	

Represent Trustee of Joseph Klaynberg

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07/20/2023

Account No: 4423-015M

Statement No: 1

Investigations

For Current Services Rendered	50.30	24,087.00
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Recapitulation

<u>Timekeeper</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
Michael S. Weinstein	10.70	\$555.00	\$5,938.50
Ina Dogani	39.10	460.00	17,986.00
Rose Ngoma	0.50	325.00	162.50

Total Current Work	24,087.00
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Balance Due	<u>\$24,087.00</u>
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Billing History

<u>Fees</u>	<u>Expenses</u>	<u>Finance Charge</u>	<u>Payments</u>
24,087.00	0.00	0.00	0.00

Please refer to account number when making payment.

	Previous Balance	Fees	Expenses	Payments	Balance
4423-002 Asset Sales	0.00	1,219.00	0.00	0.00	\$1,219.00
4423-006 Employment and Fee Applications	0.00	6,265.00	0.00	0.00	\$6,265.00
4423-009 Litigation	0.00	4,180.00	0.00	0.00	\$4,180.00
4423-010 Plan and Disclosure Statement	0.00	5,304.50	19.55	0.00	\$5,324.05
4423-015 Investigations	0.00	24,087.00	0.00	0.00	\$24,087.00
	<u>0.00</u>	<u>41,055.50</u>	<u>19.55</u>	<u>0.00</u>	<u>\$41,075.05</u>